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| 10/566,595   | 06/12/2006  | Djamschid Amirzadeh-Ast | DNAG-315            | 5773             |
| 24972 7590 11/24/2008<br>FULBRIGHT & JAWORSKI, LLP<br>666 FIFTH AVE<br>NEW YORK, NY 10103-3198 |             |                         |                     |                  |
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| HEVEY, JOHN A  |             |                         |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Attachment***

Applicant argues that the reference Amirzadeh-Asl should not be combined with Auer. This is not found persuasive. Amirzadeh-Asl teaches a method preparing a refractory material with heat treated TiO<sub>2</sub> residues. Auer teaches TiO<sub>2</sub> residues from a sulfate process. It would have been obvious to one of ordinary skill in the art to utilize TiO<sub>2</sub> residues from a sulfate process such as that taught by Auer in the process of preparing refractory materials as taught by Amirzadeh-Asl in order to decrease waste and increase the industrial applicability of the method.

Applicant argues that the references teach away from the claimed invention in that they teach the use of coal or iron containing residues. This is not found persuasive. The instant invention is drawn a composition comprising titania, silica, magnesia, calcium oxide and an iron compound (see for example claim 12). Amirzadeh-Asl teaches preparing a refractory material comprising titania and iron residues. One of ordinary skill in the art would recognize the equivalence of such a composition was formed simultaneously or mixed prior to the require heat treatment.

/Kevin P. Kerns/

Primary Examiner, Art Unit 1793